(1) C.8.1052 (3)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION No. 1741 /2004

1. Dinesh Singh Thakur,
S/o- Bodhi Singh Thakur,
Aged about 36 Years,
R/o- Nariara, P.O. Ganoud,
Distt. Raipur.CG.

2. Vijay Tarak,
S/o- Dayaram Tarak,
Aged about 36 Years,
R/o- Gram-Kosamkhuta, P.O. Ganoud,
Distt. Raipur, CG. ...**PETITIONERS**

P. R. No, 1731/04
Presented by Shri Sanjay Shrivastava
dated ..... R/A (Govt.)

VERSUS

State of Chhattisgarh,
Through- Director,
Panchayat,
Mantralaya, Raipur,
CG. ...**RESPONDENT**

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS OR APPROPRIATE DIRECTION/DIRECTIONS

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

27

आदेश पत्रक

मामला क्रमांक W.P.No 1741/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	7-7-2004 Shri Pankaj Shrivastava, Advocate for the petitioners. Shri Alok Bakshi, Panel Lawyer for the State. With consent, heard finally. This petition under Article 226/227 of the Constitution of India has been filed against the order dated 28-1-2004 passed by the Director, Panchayat, whereby Brief facts of the case are that the petitioner filed a petition before the Additional Collector (Panchayat), Raipur which was rejected vide order dated 19-8-2002. Against the order dated 19-8-2002, the petitioner preferred a revision petition before the Director (Panchayat) along with an application under Section 5 of the Limitation Act for condonation of delay. By the impugned order, the revision and the said application have been rejected. Counsel for the petitioner submitted that the application for condonation of delay was filed on the ground of delay and in support, an affidavit and doctors report was also filed. The application for condonation of delay was opposed by the other side. The learned Director (Panchayat) after hearing the parties has come to the conclusion that the petitioners have failed to show the ground of delay of three months and has rejected the revision on the ground of delay.	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

28

आदेश पत्रक

मामला क्रमांक W.P.No. 1741/2004 सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, the delay on the ground of sickness ought to have been condoned in the ends of justice. There is no mala fide. A party should not suffer and liberal approach, considering the facts and circumstances of the case, may be taken. The order dated 28-1-2004 passed by the Director Panchayat is set aside and the matter is remanded back to the Director Panchayat for consideration. The matter shall be heard afresh by the Director (Panchayat) afresh. The petition is accordingly disposed of. Certified copy as per rules. **Sd/-** **Fakhruddin** **Judge**	